IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 655 OF 2003

SHRI DAMODAR J.KAVLEKAR AND ANR., ...Applicants

Versus

DIRECTOR OF PANCHAYAT AND 3 ORS., ...Respondents

SHRI AMRUT KANSAR,AG WITH MR.H.D.NAIK,AGA-

Coram:- A.M.KHANWILKAR &
P. V. HARDAS, JJ.

Date:- 15th December, 2003

P.C.:

Writ Petition no.144 of 2002 was dispose d of by this Court vide Order dated 29th July, 2002. While doing so, the petitioner/applicant herein was granted time to remove and/or demolish the suit structure, in the event his application for regularization was rejected by the appropriate authority. It is not in dispute that the application for regularization has since been rejected. In the circumstances, the applicant was obliged to vacate and remove the suit st ructure in terms of the said undertaking . Instead, the applicant has moved this application pointing out that he will adhere to his undertaking given to the Court, but according to him it would be appropriate that the suit structure be allowed to remain as it is to be used

for charitable purposes by the Devasthan Committee.

Having regard to the suggestion made in the present application and though the Devasthan Committee was not a party to t he original Writ Petition, or for that matter even in this application, we permitted the applicant to implead the Devasthan Committee as a party responden t in this application. Notice was issued to the said Committee. In response to the said notice Shri. Soiru Varde, Attorney of Shree Shantadurga Saunsthan has appeared in person espousing the cau se of Shree Shantadurga Devasthan Saunst han.He States that the suggestion mabe by the applicant in this application is not acceptable to the committee. On the other hand, the Committee is interested in getting back the vacant possession of the disputed protion of land.

In view of the stand taken by the Committee the main prayer as made in this application cannot be acceded to.

It is recroded that the applicant has already vacated the disputed structure and the only question that remains is regarding its demolition.

In the circumstances, respondent no.3 to take steps to demolish the suit structure at the cost of the applicant.

The applicant to deposit the necessary amount towards the estimated cost of demolition with the Panchayat within

two weeks from today. The Panchayat to demolish the structure not later than four weeks from today.

Application disposed on the above terms.

A.M.KHANWILKAR, J.

P. V. HARDAS, J.